THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.6607 of 2006

Dt.4.4.2006

Between:

Pakala Raghu Kumar … Petitioner

And

The State of A.P., rep. By its Principal
Secretary, Municipal & Urban Development,
Secretariat, Hyderabad and others.
…Respondents

ORDER:

Petitioner questions the action of the respondents in making the petitioner's premises bearing No.8-2-44/2, Nehru Market, Bhadrachalam, Khammam District, for the purpose of road widening and seeking to demolish the same without following the due process of law and without initiating proceedings under the Land Acquisition

Act as illegal and arbitrary.

The case of the petitioner is that the petitioner is residing in the premises in question since more than one decade by paying house tax and also obtaining other permissions for electricity and water. While so, the respondent authorities approached the petitioner on 31.3.2006 marking the premises bearing No.8-2-44/2, Nehru Market, Bhadrachalam, for the purpose of road widening and threatening to demolish the same. The main grievance of the petitioner is that the respondents have not issued any notice before deciding to demolish the said premises and they are trying to demolish the existing structures for the purpose of road widening without acquiring the property under the Land Acquisition Act and without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act which is utter violation of the principles of natural justice as well as Sections 172 or 174 of A.P.Municipalities Act, 1965 (for short 'the Act').

Heard the learned counsel for the petitioner as well as the learned Government Pleader on behalf of the respondents.

No doubt, widening/laying of the road is in the public interest but while laying the road, if any property of private individual is coming in the way, it is for the respondent to acquire the same either by way of initiating land acquisition proceedings or by following due process of law.

Having regard to the facts and circumstances of the case, the respondents are directed not to demolish the structures or take away any portion of the property of the petitioner and not to dispossess him without following due process of law either under Section 172 or 174 of the Act or by private negotiations or by initiating the proceedings under the Land Acquisition Act, 1894.

The writ petition is accordingly disposed of. No costs.

V.ESWARAIAH, J.

4.4.2006

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